

UNITED STATES OF AMERICA)
)
)
 V.) **DOCKET NO. 3:19-cr-161**
) **(JUDGE VARLAN)**
 KENT LOWERY BOOHER)

Comes the Defendant, Kent Lowery Booher, by and through counsel and submits his Request for Variance and Sentencing Memorandum for this Honorable Court to consider. Mr. Booher requests this Honorable Court review the circumstances of his case pursuant to 18 U.S.C. sec. 3553. In support thereof, Mr. Booher states the following:

On September 17, 2019, the Defendant was indicted and a superseding indictment was filed on November 19, 2019 charging the defendant with two counts of Enticement 18 U.S.C. sec. 2422(b), Registered Sex Offender Committing an Additional Felony 18 U.S.C. sec. 2260(A), Sex Trafficking of a Child 18 U.S.C. sec.1591(a)(1), (b)(2), (c) and Attempted Production of Child Pornography 18 U.S.C. sec. 2251. The defendant proceeded to trial on April 13, 2021 and the jury returned a guilty verdict on all counts on April 19, 2021.

The United States Probation Office calculates the sentencing guideline range as follows. After adding the enhancements, the defendant has a total offense level of 43 and a criminal history of category of I rendering a guideline range of Life. However, because Count Two, by statute, must be imposed consecutively to Count One, the total guideline range is Life plus 120 months.

1. The Nature and Circumstances of the Offense and the History and Characteristics of the Defendant

Before the Court is 67-year-old Kent Lowery Booher, husband, father, decorated Coast Guard Commander and lawyer. Mr. Booher, along with his wife Faith, raised three children. All of which have had success in the chosen endeavors. A graduate of the University of Tennessee College of law, Mr. Booher practiced law in the East Tennessee area beginning in 1985. During that time, he also was an active member of the United States Coast Guard earning numerous commendations.

Coast Guard Achievement Award

Certificate of Appreciation for Service in the Armed Forces

Coast Guard Meritorious Team Commendation in the US Coast Guard x 6

Coast Guard Commendation Medal

Outstanding Performance Medal in the US Coast Guard

Certificate of Retirement from the US Coast Guard

Kent Booher further served the state of Tennessee and his community in a number of ways, including serving on the steering committee of the Loudon County Republican Party and his long time membership with the American Bar Association. Mr. Booher does have numerous health issues including type II diabetes, hypertension, sleep apnea and several other ailments.

2. Variance Downward Based on Defendant's Age and Lack of Criminal Behavior

“Age may be a reason to depart downward in a case in which the defendant is elderly and infirmed.” U.S.S.G sec. 5H1. Kent Booher is 67 years old and has several health issues that are likely to worsen. The number one complication from Type II diabetes is heart disease followed by stroke, kidney disease and high blood pressure. Untreated or undertreated diabetes would potentially lead to death in a person of Mr. Booher's age and medical condition.

Mr. Booher has no criminal history other than the instant case and has been a loyal servant to the United States Military. Therefore, he should be afforded deference at sentencing by departing from the guideline range calculated herein.

CONCLUSION

Mr. Booher requests that this Honorable Court consider these circumstances in fashioning a sentencing variance below the guideline range calculated by the United States Probation Office.

s/Russell T. Greene_____

P.O. Box 10439

Knoxville, Tennessee 37939

CERTIFICATE OF SERVICE

I do certify that on the 16th day of May 16, 2022, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

s/Russell T. Greene